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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Promote
Consistency in Methodology and Input
Assumptions in Commission Applications of
Short-run and Long-run Avoided Costs,
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025

**JOINT REPLY OF PACIFIC GAS AND ELECTRIC COMPANY, SAN
DIEGO GAS & ELECTRIC COMPANY, AND SOUTHERN
CALIFORNIA EDISON COMPANY TO RESPONSES OF THE DIVISION
OF RATEPAYER ADVOCATES AND THE NATURAL RESOURCES
DEFENSE COUNCIL TO JOINT PETITION FOR MODIFICATION OF
DECISION 06-06-063**

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ADVOCATES AND THE NATURAL RESOURCES DEFENSE COUNCIL TO
JOINT PETITION FOR MODIFICATION OF DECISION 06-06-063**

In a phone conversation the morning of July 6, 2007, the undersigned counsel for Pacific Gas and Electric Company (PG&E) requested permission from Administrative Law Judge (ALJ) Gottstein to file a reply on behalf of Southern California Edison Company (SCE), San Diego Gas and Electric Company (SDG&E), and PG&E (together, Joint Utilities) to the separate July 2, 2007 responses of the Division of Ratepayer Advocates (DRA) and the Natural Resources Defense Council (NRDC) to the Joint Petition for Modification of Decision 06-06-063 (Petition).¹ ALJ Gottstein granted the request. Under Commission Rule 16.4, the deadline for the Joint Utilities' reply is July 12, 2007.

The DRA's response contains thoughtful discussions of the issues raised in the Petition, but its proposed resolution would not resolve the fundamental problems identified in the Petition. DRA recognizes that the most important issue in the Petition is the following question:

are the TRC (Total Resource Cost) figures, both the net benefits and the TRC ratio, accurate for all distribution channels? . . . If the calculated TRC for one type of program (like upstream programs) is erroneously low compared to others, like

¹ Ecology Action also filed a response supporting the Joint Utilities' Petition. The Joint Utilities' reply to DRA and NRDC's responses with the request for a workshop is responsive to Ecology Action's concerns.

direct rebate programs, portfolio planners may discontinue the upstream programs to focus on rebate programs.

(DRA response page 3.) DRA also notes and comments on two other major points of concern in the Petition: 1) “classification and treatment of program costs” and 2) “application of the NTG (net-to-gross) ratio.” DRA’s response objects to the Joint Utilities’ positions on these later two points because DRA thinks the Petition’s analyses rest on a single data point and contain unproven assumptions. (DRA response, pages 6 and 8.) In DRA’s opinion, the Petition’s requested modification to D.06-06-063 is unclear, incomplete and subject to interpretation. (DRA response, pages 2 and 4.) Nevertheless DRA admits “The Petition raises valid concerns regarding the calculation of cost-effectiveness using the TRC test.” (DRA response, conclusion, page 11.)

DRA asserts that the Petition lacks the analytical robustness required to address these concerns and revise D.06-06-063. Instead, DRA offers its own proposed solution: 1) order a new Energy Division report on the TRC formula and calculations, 2) make certain revisions specified by DRA to the policy rules in D.05-04-051, and 3) and hold a workshop on NTG and free-riders. (DRA response, pages 10 to 11.) Apparently DRA believes its proposal would solve the problems resulting from the lack of documentation for the complete process of calculating cost effectiveness for energy efficiency programs and lack of guidance for classification of specific program costs. (See DRA response, pages 2 and 3.)

The Joint Utilities, however, disagree with DRA’s 3-part proposal for resolving the concerns in the Petition. Instead, the Joint Utilities recommend providing the opportunity for all interested parties to participate in a deeper analytical analysis of the issues and to comment, which is consistent with DRA’s comment at one point that “the Commission provide the opportunity for all interested parties to comment before considering any changes in [the Standard Practice Manual]”.

NRDC’S response shares the concerns raised by the Joint Utilities about the possible adverse impacts of the treatment of program costs in the TRC cost-effectiveness calculations and advocates a closer examination of the issues. NRDC recognizes that TRC cost-effectiveness calculations will affect program design and delivery—not just the calculation of total resource benefits. (NRDC response, page 2.) NRDC states,

We believe that the Commission and interested parties will benefit from working through examples of the Commission’s treatment of costs in the TRC test to be able to fully understand the implications on program design and long-term program strategies to maximize cost-effective energy savings.

On the strength of this belief, NRDC recommends that the Commission hold a workshop as soon as possible to analyze the issues raised in the Petition and to explore development of consensus positions among the interested parties.

The Joint Utilities agree with NRDC that the next step should be a workshop to address the concerns in the Petition and the criticisms in DRA’s reply. The Joint Utilities would like to conduct the workshop as soon as possible so that a resolution on the matter can be aligned with a decision from the Commission on the IOU risk-reward mechanism. The purpose of the workshop would be to gather and clarify stakeholder views on the TRC, similar to the workshops in the 1980’s which gave rise to the Standard Practice Manual (SPM). Accordingly, the Joint Utilities suggest that the workshop also include foundational questions, including the following:

1. What is the TRC suppose to tell the Commission, i.e., is there a perspective from which it provides unique information compared to the other approaches in the SPM?
2. What is a “resource”? Are resources in the TRC test the same as in the other tests? Is a financial resource considered a resource for purposes of the TRC test?
3. What is a “cost”? Is a cost in the TRC any financial expenditure, or should it involve resources or trade-offs (“opportunity cost”).
4. The Commission has directed “all costs” be included, but this is limited by whether the costs (or benefits) in question are “caused by” a program? Can “caused by” be defined?

5. Since the SPM does not explicitly define a role for entities besides ratepayers, the program administrator, or program participants, what are the options for including other entities?²

The Joint Utilities recommend the following process for the workshop³:

- Energy Division would circulate the agenda for the workshop based on the Petition, the DRA and interested parties' responses, and the Joint Utilities' reply. Energy Division staff would run the workshop, with the aid of an independent consultant⁴ with long-standing expertise in energy efficiency cost-benefit analysis and presentations by the Joint Utilities, DRA and other interested parties.
- The Energy Division and its consultant would circulate a draft workshop report capturing the workshop discussion and presentations. The parties would comment on the draft workshop report.
- The Energy Division would issue the final workshop report with the workshop presentations attached.
- The ALJ would issue a proposed decision addressing the TRC, cost-effectiveness calculations and inputs, and the Commission's expectations of the effects on program design and delivery. The proposed decision would go through the comment process under the Commission's rules.

The Joint Utilities request that the Commission recognize the benefits to be gained from a workshop and not approve the 3-stage proposal in DRA's response to the Petition. Instead the Commission should order workshops as suggest by NRDC's response and the Joint Utilities' reply.

² The Commission first tackled this problem in the context of "Demand-Side Bidding" in D.92-12-050, See also the 1994 paper referenced on page 16 of the Attachment to the March 16, 2007 Letter attached to the Petition.

³ While the Commission has been clear that R. 04-04-025, is the forum to consider cost-effectiveness issues that arises in multiple forums, DRA expresses concern on this point. The Commission could send the workshop announcement to the service lists in that Rulemaking, and the others DRA lists (DRA response, page 7).

⁴ The consultant could be paid for with Commission or utility evaluation, measurement and verification funding from the 2006-2008 program cycle.

Respectfully Submitted,

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July 12, 2007

CERTIFICATE OF SERVICE BY ELECTRONIC OR FIRST CLASS MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, California 94105.

On the 12th day of July 2007, I served a true copy of:

**JOINT REPLY OF PACIFIC GAS AND ELECTRIC COMPANY, SAN DIEGO
GAS & ELECTRIC COMPANY, AND SOUTHERN CALIFORNIA EDISON COMPANY
TO RESPONSES OF THE DIVISION OF RATEPAYER ADVOCATES AND THE
NATURAL RESOURCES DEFENSE COUNCIL TO JOINT PETITION FOR
MODIFICATION OF DECISION 06-06-063**

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service lists for R.04-04-025 and R.06-04-010.

[XX] By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service lists for R.04-04-025 and R.06-04-010 without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 12th day of July 2007 at San Francisco, California.

/s/

PAMELA TOM

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Commissioner Assigned: Michael R. Peevey on December 20, 2005; ALJ Assigned: Julie Halligan on April 28, 2004

ALJ Assigned: Meg Gottstein on December 7, 2005

R0604010 - Downloaded July 12, 2007, last updated on July 11, 2007

Commissioner Assigned: Dian Grueneich on April 17, 2006; ALJ Assigned: Meg Gottstein on April 17, 2006

ALJ Assigned: Steven A. Weissman on July 11, 2006; ALJ Assigned: Kim Malcolm on February 1, 2007

CPUC DOCKET NO. R0404025-R0604010 CPUC REV 07-11-07

Total number of addressees: 276

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